

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

VIRGINIA CABLE	)	
TELECOMMUNICATIONS	)	
ASSOCIATION,	)	
	)	
Complainant,	)	
	)	
v.	)	File No. EB-02-MD-034
	)	
VIRGINIA ELECTRIC & POWER	)	
COMPANY, d/b/a DOMINION	)	
VIRGINIA POWER AND DOMNION	)	
NORTH CAROLINA POWER,	)	
	)	
Respondent.	)	

**ORDER**

**Adopted:** November 4, 2003

**Released:** November 5, 2003

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On October 29, 2003, the complainant, Virginia Cable Telecommunications Association (“VCTA”), and the respondent, Virginia Electric & Power Company, d/b/a Dominion Virginia Power and Dominion North Carolina Power (“Dominion Virginia Power”), filed a Joint Motion to Dismiss<sup>1</sup> with prejudice the pole attachment Complaint that VCTA filed against Dominion Virginia Power on August 7, 2002.<sup>2</sup> The Motion to Dismiss states that the parties “have entered into a Settlement Agreement, which resolves the outstanding pole attachment rate issues between the parties” raised in the Complaint.<sup>3</sup>

2. We are satisfied that dismissing the Complaint will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further litigation and the expenditure of further time and resources of the parties and this Commission.

<sup>1</sup> Joint Motion to Dismiss, File No. EB-02-MD-034 (filed Oct. 29, 2003) (“Motion to Dismiss”).

<sup>2</sup> Complaint, File No. EB-02-MD-034 (filed Aug. 7, 2002) (“Complaint”).

<sup>3</sup> Motion to Dismiss at 1.

3. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), and 224 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 224, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111 and 0.311, that the Joint Motion to Dismiss is GRANTED, and that the Complaint is DISMISSED with prejudice.

4. IT IS FURTHER ORDERED that the above-captioned proceeding is TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Alexander P. Starr  
Chief, Market Disputes Resolution Division  
Enforcement Bureau